

CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, MAY 16, 2013 AT 3:00 P.M.
CITY COMMISSION MEETING ROOM
CITY HALL

Cumulative
Attendance
10/12 through
9/13

Board Members

	Attendance	Present	Absent
Michael Weymouth, Chair	P	6	1
Joe Holland, Vice Chair	P	6	1
John Barranco	A	6	1
Joe Crognale	P	6	1
Pat Hale	P	6	1
Thornie Jarrett	P	7	0
Don Larson	P	6	1
John Phillips	P	6	1
B. George Walker [3:02]	P	6	1

City Staff

Lori Grossfeld, Board Secretary
Bridget Patterson, Administrative Aide
Chief Service Officer Jorg Hruschka
Chris Augustin, Chief Building Official
Jeri Pryor, Code Enforcement Supervisor/Clerk
Ginger Wald, Assistant Attorney
Gerry Smilen, Building Inspector
Police Officer Jorge Maura
Jamie Oppерlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE07061056: Edmund Waterman, owner; Enrique Senior, contractor; Charles King, neighbor

<u>Index</u>		
<u>Case Number</u>	<u>Respondent</u>	
1. CE07061056	EDMUND WATERMAN	<u>3</u>
Address:	627 N FEDERAL HWY	
Disposition:	The Board stated the specific violations that still exist and granted a 35-day extension to 6/20/13. Board approved 7-1.	
2. CE13020647	CASTANO, CESAR ERNESTO BALBIN	<u>26</u>
Address:	1724 NE 18 ST	
Disposition:	The Board found the violations exist as cited and ordered the owner to demo the property in 30 days or the City will demo the property. Board approved 8-0.	
	Communication to the City Commission	<u>32</u>
	Other Items and Announcements	<u>32</u>
	For the Good of the City	<u>35</u>

The regular meeting of the Unsafe Structures Board convened at 3:00 p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

All individuals giving testimony before the Board were sworn in.

Approval of meeting minutes

Motion made by Mr. Larson, seconded by Mr. Holland, to approve the minutes of the Board's April 2013 meeting. In a voice vote, motion passed 7-0.

Mr. Walker arrived at 3:02.

1 **Cases**

2
3 **1. Case: CE07061056**

INDEX

4 **WATERMAN, EDMUND**

5 **627 N FEDERAL HWY**

6 MS. PATTERSON: First case is on page one, case
7 number CE07061056. Inspector is Gerry Smilen. Case address
8 is 627 North Federal Highway, owner is Edmund Waterman.

9 Property was posted 3/29/13, advertised in the
10 Daily Business Review 4/26/13 and 5/3/13. Certified mail
11 signed by Steve Ahlgrim, Edmund Waterman.

12 Case was first heard at the 6/21/12 USB hearing,
13 the Board ordered a twenty-eight day continuance to 7/19/12.
14 At 7/19/12 hearing, the Board ordered a sixty-three day
15 extension to the 9/20/12 hearing. The 9/20/12 hearing the
16 Board ordered a fifty-six day extension to the 11/15/12
17 hearing. The 11/15/12 hearing, the Board ordered a final
18 order to demo.

19 A letter was received 12/27/12 from the owner for a
20 motion to reconsider. At the 1/17/13 hearing the Board
21 granted the motion for reconsideration and vacated the final
22 order, and granted a sixty-three day extension to 3/21/13.
23 At the 3/21/13 hearing the Board ordered a fifty-six day
24 extension to the 5/16 hearing.

25 CHAIR WEYMOUTH: Okay, good afternoon Mr. Smilen,

1 can you give an update?

2 INSPECTOR SMILEN: Good afternoon Board, Gerry
3 Smilen, Building Inspector for the City of Fort Lauderdale.
4 I'm happy to report that permit 12121020 was issued on March
5 21 it was after our last hearing. So that is an active
6 permit and I believe the contractor and the owner are here to
7 give you some information. The information that I had
8 conversed with them would lead me to support a sixty-three
9 day extension of time, because this case cannot be complied
10 without the work completed.

11 CHAIR WEYMOUTH: Okay. Any questions of the
12 inspector before we hear from the respondent? Good afternoon
13 Mr. Waterman.

14 MR. WATERMAN: Good afternoon.

15 CHAIR WEYMOUTH: We're about ready to experience
16 our one-year anniversary.

17 MR. WATERMAN: Yes sir.

18 CHAIR WEYMOUTH: I guess you're going to share some
19 stuff with the Board?

20 MR. WATERMAN: I'm sorry?

21 CHAIR WEYMOUTH: You're going to share some
22 information with the Board?

23 MR. WATERMAN: Yes, I can do that.

24 CHAIR WEYMOUTH: Okay.

25 MR. WATERMAN: We are moving along at a pretty good

1 rate. We have applied for, paid for all the necessary
2 permits and they have been issued. We are now basically
3 waiting for a couple of bids we need. I'd like to, not being
4 very experienced in this I'd like to at least have the
5 benefit of three bids for the steelwork. We have two bids
6 in, we're waiting for the final bid and then we'll continue
7 to progress.

8 CHAIR WEYMOUTH: [inaudible] you are the inspector.
9 For myself, if you would refresh my memory as to what it is
10 that's being done and whether the sixty-three days that's
11 being requested is sufficient time to just get the work bid,
12 get the work bid and completed, to get this off of our plate.

13 INSPECTOR SMILEN: Gerry Smilen, Building Inspector
14 for the City of Fort Lauderdale. One of the main problems
15 with this building that made it unsafe was the structural
16 integrity of the roof and there was a lot of damage to the
17 roof joists. Being as it's a commercial building it's a flat
18 roof.

19 So therefore, one of the prerequisites of coming
20 into compliance would be to have the joists either repaired
21 or replaced. So at this point the permit is obtained to do
22 the repair work it's just a matter of him getting the
23 contractor and I guess with the bids that he was talking
24 about, to actually perform the work.

25 Right now the roof is shored up so it's not in

1 danger at this time. However, as you know, shoring is just a
2 temporary situation; we want to see a permanent situation on
3 this roof.

4 So at this point, the sixty-three days in my
5 opinion, I don't know that the work could be completed in
6 sixty-three days but if we had a contractor with a signed
7 contract and we had a supplier that was in the process of
8 fabricating the material for the repairs that would, I think
9 that's something we need to revisit before the work is
10 completed to make sure this keeps moving along.

11 CHAIR WEYMOUTH: Any questions or comments from the
12 Board?

13 MR. JARRETT: Yes.

14 MR. LARSON: I have a couple. Has any of the
15 stucco and lathe work being done on the outside Gerry?

16 INSPECTOR SMILEN: Yes it has. The building -- I
17 don't know if you've been by it but I was, I drove by today -
18 - the building looks a hundred percent better.

19 MR. LARSON: Yes, it does.

20 INSPECTOR SMILEN: All the openings are shuttered
21 now and covered all of the white and trim areas have been
22 painted white. The pergola that was on the roof that was
23 deteriorating has been removed and all the overhangs have
24 been refinished. So it definitely is not as eyesore like it
25 was before.

1 MR. LARSON: Right. The main thing that we're just
2 dealing with right now is the steel roof joists.

3 INSPECTOR SMILEN: That's correct, for the roof.

4 MR. SENIOR: If I may.

5 MR. LARSON: Thank you.

6 MR. HOLLAND: Yes.

7 CHAIR WEYMOUTH: Mr. Holland.

8 MR. HOLLAND: What are we doing with shoring
9 against upward wind load issues if a storm occurs here? Is
10 this shoring just bracing the roof up or is it holding it
11 down against a storm?

12 INSPECTOR SMILEN: The bracing is just supporting
13 it so it doesn't fall inwards.

14 MR. HOLLAND: Yes.

15 INSPECTOR SMILEN: As far as the uplift goes, given
16 the condition of the roof and the joists I don't know that it
17 would meet the uplift requirements of today at this point. I
18 don't know that it was ever designed to meet the uplift
19 requirements of today.

20 MR. HOLLAND: No, no but --

21 INSPECTOR SMILEN: But at this point the shoring
22 will assure that it will not collapse and fall in and that's
23 about all we could ask for at this point.

24 MR. HOLLAND: Yes, right. It's hard to listen to
25 finishes and how things look when it's a hurricane hazard and

1 we're heading into hurricane season.

2 MR. SENIOR: If I may.

3 CHAIR WEYMOUTH: Yes sir.

4 MR. SENIOR: Enrique Senior.

5 CHAIR WEYMOUTH: Please state your name.

6 MR. SENIOR: I'm the owner's representative and I'm
7 running the contractor. And I deal with the engineer too. I
8 have spoke about this to the engineer and actually while
9 we're waiting for the last bids I asked him to do a re-
10 inspection of the building to make sure that there wasn't any
11 other truss that had been damaged as the process of while we
12 were being fixing and cleaning up.

13 And that's one of the questions I asked him and he
14 said that he has no problem right now with the building. He,
15 we went back and we checked the number of trusses that we
16 were going to be reinforcing and based on his report I don't
17 think there is a big problem with that.

18 When we were here last time I had requested for
19 additional time because I had done the homework with the
20 suppliers to see how they work and unfortunately being a
21 smaller job they put us on the back of the list on this. I
22 pressure them every week to try to give us the update on the
23 number so we can move on and actually contract one of them.
24 I'm working on that last one to have it so they can all the
25 information.

1 CHAIR WEYMOUTH: Without having had the privilege
2 of seeing the repair plans -- I think I heard this is a
3 repair not a replacement -- and I'm assuming that these, if I
4 recall correctly were steel bar joists.

5 MR. SENIOR: Yes sir.

6 CHAIR WEYMOUTH: Is that not something that's going
7 to be able to be fixed in place? I mean, I don't see you
8 replacing --

9 MR. SENIOR: The system we're doing is we're
10 placing a brand-new one next to the old one.

11 CHAIR WEYMOUTH: Okay.

12 MR. SENIOR: And so, we'll still have whatever's
13 left on the other ones and this one's with, and they're tied
14 together. So, it's a question of having the joists in our
15 hands and being able to go in there and then finish up
16 whatever closing.

17 We have eliminated every leaking that was on the
18 roof when we did the temporary repair so we should be able to
19 control that part and I haven't seen any additional damage
20 being caused and we've gone through a few storms and I
21 monitor it close. And I always ask the engineer to, if he
22 can come by and look at it, make sure that we're not in any
23 trouble.

24 MR. HOLLAND: Yes, a lot of that exchange was
25 verbal between you and an engineer apparently.

1 MR. SENIOR: I got, I can, I have some --

2 MR. HOLLAND: Now we have a --

3 MR. SENIOR: I can make copies --

4 MR. HOLLAND: For this portion of the work we have
5 an approved permit?

6 MR. SENIOR: Yes, we do.

7 MR. HOLLAND: Okay, and you just, and you got two
8 bids. You got to get cracking especially with this lead time
9 for procurement. You've gotten yourself into this yourselves
10 and the public doesn't need the hazard. So I don't know how
11 much time, you know, I'm real thrilled about you shopping
12 this for extra bids when you have two, and you've already
13 been told you have a long lead time on procurement.

14 MR. WATERMAN: Well, I didn't expect that kind of
15 lead time but apparently what Mr. what Enrique says, it's a
16 relatively small job for these manufacturers and we didn't
17 get the priority we wanted.

18 MR. HOLLAND: Yes, right, well, you're learning the
19 hard way but there is a public interest here at stake.

20 MR. WATERMAN: We're definitely past the point of
21 no return. We've spent a lot of money to get this far and
22 were committed to following through as quickly as we can.

23 MR. HOLLAND: Yes, I'm not real excited about the
24 time request myself for something that I don't think the
25 engineer can offer a letter to say that the public's safety

1 is secured in the interim.

2 Mr. SENIOR: I don't think that's what we're doing.
3 We're just trying to get the time to really do the job right
4 and it's not -- when we were here last time I did request
5 that because I knew there was going to be, take some of that
6 long. And also I can tell you, I work with owners that don't
7 want to do anything and [inaudible] at the beginning it was
8 kind of the position that it was a lot of money but he has
9 worked very well, working in that and pushing the project
10 forward so I have to give --

11 MR. HOLLAND: Okay. Well, you may not have the
12 luxury of three bids.

13 CHAIR WEYMOUTH: And quite frankly, it's a little
14 bit stressful that the permit was issued on March 21 and here
15 we are almost two months later and you haven't committed to
16 the work and you're still waiting for bids. So I echo what
17 you're saying Joe. But sooner or later you've got to pull
18 the trigger or a storm's going to come along and take the
19 whole thing away which then is a burden on all your neighbors
20 so.

21 MR. PHILLIPS: Mr. Chairman, could I ask a
22 question?

23 CHAIR WEYMOUTH: Yes sir, Mr. Phillips.

24 MR. PHILLIPS: Any idea of the intended use of the
25 premise? Prospective tenants, vacant, anything?

1 MR. WATERMAN: Either to get a tenant or possibly
2 use it myself in the course of my business for just storage.
3 But my main focus now is to get the structural issues
4 resolved so that all the permits we've applied for can be
5 complied with and closed and then I'll look for a use. As I
6 say, the urgency is to get all this complied with.

7 MR. PHILLIPS: Well, I would think if there were a
8 prospective tenant that would kind of incentivize you and
9 them to get it done quicker which I think might be a win-win.
10 Just curious.

11 MR. WATERMAN: I'm pretty incentivized.

12 MR. PHILLIPS: Knocking it down is a big incentive
13 too.

14 CHAIR WEYMOUTH: Mr. Jarrett?

15 MR. JARRETT: Gerry, I have a question for you.
16 Just a moment ago you read off a laundry list of items that
17 had been taken care of such as the stucco and so on. Am I to
18 assume that everything except this roof has been addressed on
19 the building?

20 INSPECTOR SMILEN: That would be correct as far as
21 it being an unsafe structure, yes.

22 MR. JARRETT: Okay, so basically all of the eyesore
23 issues have been taken care of, we're just dealing with the
24 roof which the public doesn't see until a hurricane comes,
25 then it's gone or something like that.

1 INSPECTOR SMILEN: That's correct. If it does, if
2 that is the result.

3 CHAIR WEYMOUTH: Any other questions for either the
4 respondent or the City?

5 MR. LARSON: Mr. Chairman?

6 CHAIR WEYMOUTH: Yes sir?

7 MR. LARSON: I'm not happy about what's going on
8 but nonetheless I see Mr. Waterman's beard has gotten a
9 little bit whiter with this episode going on. I would not
10 like to give him the sixty-three days but I'd like to make a
11 motion that we give him, I'd like to move that we find that
12 the violations exist and that we grant the respondent sixty-
13 three days until 7/18/2013 to bring the property into
14 compliance. And I know one thing, I will not grant another
15 one because I think you've had enough time to get it done. I
16 used to spot weld those joists so I know what your problems
17 are. I have made those joists.

18 MR. WATERMAN: You know it much more than I do.

19 MR. LARSON: In the Truscon Steel Corporation. So,
20 and you are the little man on the totem pole in getting a few
21 joists made.

22 MR. WATERMAN: Yes.

23 MR. LARSON: And that's the only reason I'm giving
24 you the sixty-three days. So I hope you could pull it off.

25 MR. WATERMAN: I do to, thank you, I appreciate it.

1 CHAIR WEYMOUTH: We have a motion, do we have a
2 second?

3 MR. PHILLIPS: I --

4 MR. KING: Hey! I'm here to talk, does the public
5 get to talk?

6 CHAIR WEYMOUTH: Oh, I'm sorry, I'm sorry, I'm
7 sorry.

8 MR. PHILLIPS: I just had a question and point of
9 order --

10 CHAIR WEYMOUTH: Hang on for just a second Mr.
11 Phillips. How do we -- there's been a motion made before the
12 whole --

13 MS. WALD: Has it been seconded yet?

14 CHAIR WEYMOUTH: It has not been seconded.

15 MR. PHILLIPS: No.

16 MS. WALD: Then you, it's up to you.

17 CHAIR WEYMOUTH: Do we pull back the motion?

18 MS. WALD: No, you don't have to pull back the
19 motion.

20 CHAIR WEYMOUTH: Okay, so let's hold the motion.
21 Be happy to hear from you sir if you step up to the
22 microphone.

23 MR. PHILLIPS: Well, I just had a question.

24 CHAIR WEYMOUTH: Oh, I'm --

25 MS. WALD: Jack had his light on.

1 MR. LARSON: Jack has --

2 MR. PHILLIPS: We vacated the final order back in
3 November and granted an extension of time.

4 CHAIR WEYMOUTH: Correct.

5 MR. PHILLIPS: Rather than find that the violation
6 exists were we not continuing the case to give Mr. Waterman
7 an opportunity versus finding a violation at this point and
8 granting a extension of time to come into compliance before
9 we [inaudible] demolition?

10 CHAIR WEYMOUTH: Do you want to give the accurate
11 portrayal of the time period and the timeline to this whole
12 thing Ms. Wald?

13 MS. WALD: Yes, Ginger Wald, Assistant City
14 Attorney. In regards to vacating the November order what had
15 occurred on that date and with the motion to reconsider is
16 Mr. Waterman was not here and what happened was we had
17 received information in a letter from him after that period
18 of time that he was ill and was not able to make it and was
19 not able to make the hearing and no one appeared on his
20 behalf.

21 Thereafter, the motion to reconsider was requested
22 by Mr. Waterman which was granted by this Board which vacated
23 that prior order. Thereafter, sixty-three days was given at
24 that period of time, which was your January 17 hearing date.

25 On March 21, 2013 you gave fifty-six day extension

1 to come back today to see where he was as to the permit and
2 what work had been done. You can still go ahead and find
3 what violations do exist. There's no problem with actually
4 going ahead and doing that is part of the motion and
5 continuing to grant time for Mr. Waterman to come into
6 compliance with the violations itself. We call it an
7 extension of time but that's really the finding that you're
8 continuing to make.

9 MR. PHILLIPS: It's really a continuance, is it
10 not?

11 MS. WALD: It's not a continuance. A continuance
12 is taking the hearing --

13 MR. PHILLIPS: Okay.

14 MS. WALD: -- and continuing the hearing as it is
15 to another date. So it really is finding that the violations
16 do exist still today and providing Mr. Waterman an extension
17 of time of -- and I believe the motion was sixty-three days -
18 - to come into compliance with one, two, three, four, all
19 four violations that he's still finding exist. That's what I
20 heard as to the motion, that would be a proper motion.

21 MR. PHILLIPS: Well, that's --

22 MS. WALD: If I didn't hear it properly, please
23 tell me.

24 MR. PHILLIPS: Because, in the past four months
25 we've given two sixty-three day extensions. But I don't

1 think, I think they were actually continuances then because -
2 -

3 MS. WALD: No, they were not continuances.

4 MR. PHILLIPS: Has there been a finding the
5 violations existed then?

6 MS. WALD: There was a finding originally that the
7 violations existed back on June 21, 2012, when the case was
8 first presented.

9 MR. PHILLIPS: Okay. And then what's the effect of
10 having vacated the order of demolition?

11 MS. WALD: Exactly what it says. The order is
12 gone.

13 MR. PHILLIPS: That's just the demolition.

14 MS. WALD: Yes, that order was completely -- just
15 like an order in court that's vacated. It's as if it had
16 never existed. And then what occurred from that point in
17 time is what are we going to do. It was to give Mr. Waterman
18 an opportunity because he was not here for the reasons that
19 he previously stated in his motion to reconsider which was
20 granted by this Board. And at that period of time they gave
21 him an extension of time to continue to try to come into
22 compliance.

23 MR. PHILLIPS: Okay.

24 MS. WALD: And then what happened was he got the
25 permit issued and now he is under a permit that's good for a

1 hundred and eighty days from March 21, 2013.

2 MR. PHILLIPS: Well, I guess that's my point
3 because during the interim number of these things have become
4 moot in as much that they're no longer violations. So
5 perhaps we should specify which, if any, are in violation
6 rather than the entire list when we first started back in
7 June.

8 MS. WALD: So what you're asking for is from Mr.
9 Smilen to come up and tell you as to each one of these --
10 Gerry -- as to each one of these violations and subsections
11 that are under 116.2.1.2.1, which ones are in compliance.

12 MR. PHILLIPS: Well, just to make it easier which
13 are in violation?

14 MS. WALD: That's fine, that's fine. Go ahead and
15 say which ones are complied, which ones aren't complied
16 because they haven't been fixed.

17 MR. JARRETT: I'm sorry.

18 INSPECTOR SMILEN: Okay, looking at the situation
19 here the first violation 116.1.1 is still a violation, that
20 has not been complied. 116.1.2 is, that is complied, that
21 has been complied. 116.2.1.2.1 number 1 is still a
22 violation; number 2 is complied; number 3, number 4, number
23 5, number 6, number 7, number 8, number 9 and number 10 are
24 all complied. So the only one on 116.2.1.2.1 that remains a
25 violation would be number 1 in that particular violation.

1 And then of course number, the 116.2.1.2.2 is still a
2 violation.

3 CHAIR WEYMOUTH: I'm sorry the first two
4 violations: 116.1.1 and 116.1.2 are in compliance now?

5 INSPECTOR SMILEN: No.

6 CHAIR WEYMOUTH: Okay, alright, okay alright.

7 INSPECTOR SMILEN: 116.1.1 is not in compliance;
8 116.1.2 is.

9 CHAIR WEYMOUTH: Is?

10 MS. HALE: No.

11 CHAIR WEYMOUTH: 1.2 is or is not?

12 INSPECTOR SMILEN: Is complied.

13 MR. LARSON: Do you want me to withdraw that motion
14 so it can be reframed?

15 CHAIR WEYMOUTH: Yes.

16 MR. PHILLIPS: I think we have a --

17 CHAIR WEYMOUTH: And before a new motion, let's
18 bring this all back around, do a little order here, but
19 before a new motion is brought --

20 MR. LARSON: Alright, before I do that, I want to
21 hear what the gentleman says.

22 CHAIR WEYMOUTH: Exactly that's where I'm going with
23 this. So if there's no more questions at this time for the
24 Inspector, and there's no more questions at this time for Mr.
25 Waterman I would like to hear from this gentleman. Are there

1 any other questions before we hear from them? State your
2 name please sir.

3 MR. KING: My name's Charles King, I live in
4 Victoria Park.

5 CHAIR WEYMOUTH: Mr. King first let me apologize
6 for not recognizing, I thought you may have been here for the
7 second case so I apologize for passing over.

8 MR. KING: Okay. I live in Victoria Park, own a
9 lot of property in there, own two townhouses in Bamboo Flats
10 over there so I go to the civics associations in Victoria
11 Park and also a member of the Flagler Village Civics
12 Association. Last night, we had talked about this building
13 before, everybody never seems to know what it is. They seem
14 to think it's a chop shop or something, and it's been a
15 derelict building for, I mean I'm asking the question, when
16 was the last time there was a real business in there?

17 UNKNOWN: Ten years.

18 MS. WALD: This is not a question-and-answer
19 session.

20 MR. KING: I'm not allowed to ask a question?

21 MS. WALD: You can ask a question but they don't
22 have to answer.

23 MR. KING: I'm asking the respondent. He, are you
24 representing him?

25 MS. WALD: No, what I'm saying is, Ginger Wald,

1 Assistant City Attorney, it's not a question and answer
2 session. You can ask whatever you want but there is no
3 requirement that they have to answer.

4 MR. KING: He can take the Fifth Amendment.

5 MS. WALD: Let me finish. No, there is no Fifth
6 Amendment. This is, it's not a cross-examination situation,
7 this is the public hearing portion. You can say whatever you
8 want, you can ask whatever you want but he doesn't have to
9 answer it and they don't have to answer it.

10 MR. KING: I'm going to -- I'm going to ask him --

11 MS. WALD: Well wait. Let me finish, let me
12 finish. It's their choice whether they want to or not, thank
13 you.

14 MR. KING: I would like to throw these questions
15 out there. I would wonder where Mr. Waterman lives. He
16 obviously doesn't live in this area because he probably would
17 take better care of his building. This building is being
18 land banked, this building has no value it's just a shell.
19 He doesn't want to knock it down and have to pay the price of
20 knocking it down so he leaves it as just black hole, derelict
21 building that hasn't had a business in it for God knows when.

22 Nobody can even remember, I bet he doesn't even
23 remember. And it's just thousands of people drive past this
24 every day in the center of our City on Federal Highway and
25 everyone just things like, boy, this is a run-down area I

1 don't want to live around here. They're building these
2 buildings here. It's just, it's such a black eye and to let
3 him come up here and play games with you.

4 I mean he is, do you guys realize he's manipulating
5 you? He is manipulating the system and it's ridiculous if
6 you're going to let him do it.

7 We talked about the Flagler Village meeting.
8 Everybody is against that building they don't see why it
9 should be there, they want new things to be built. Just
10 knocking it down will show people the possibilities. It's
11 not a historic structure I don't think is it? Its future is
12 to be knocked down. He's knocking it down by neglect right
13 now.

14 My questions for him, maybe you guys can ask, are
15 you destitute, do you have no money to fix this up, are you
16 choosing not to fix it up? I mean, do you live around here?
17 These are the questions I would ask, because if he lived near
18 here he probably would have some pride in this area but if he
19 treats it like it's worth nothing which it is worth nothing
20 the structure, how do you replace a house, a roof where the
21 trusses are all rotted out underneath?

22 I mean, he sent a guy over there with some stucco
23 to stucco it and paint it a little bit. I mean these are all
24 just hey, that'll get me another month, another continuance.

25 I was talking with a City Commissioner last night

1 about this and he didn't know what the story was. He thought
2 this guy has to be being protected for all these years
3 somehow. I mean, I don't know what it is, but you guys have
4 the power right now to make him knock that down and I think
5 if you were to go around and ask people in the street out on
6 Federal Highway do you think this building should be knocked
7 down, you'd probably get a ninety percent yes. What's it
8 doing there; what is it; what do people do inside that
9 building?

10 From what I understand it's not raining into the
11 building anymore but I mean, ask these questions of him
12 because nobody knows what it is, they don't know what goes on
13 there. They just know it's ugly and nobody cares about it
14 and it's going to be there until a developer buys the
15 property. I'd ask him if the property's for sale too, if I
16 were you guys.

17 MR. HOLLAND: Thank you for your testimony. That's
18 points well taken Mr. King. Thanks for coming.

19 CHAIR WEYMOUTH: Okay, is there any more questions
20 of anyone? Mr. Larson would you like to review the motion?

21 MR. LARSON: Would you like me to withdraw my
22 motion so it can be rephrased to cover the items that the
23 City Inspector has?

24 CHAIR WEYMOUTH: That would be great. Yes please.

25 MR. LARSON: I'd like to withdraw my motion then.

1 CHAIR WEYMOUTH: Motion withdrawn.

2 MR. PHILLIPS: I'd like to make the motion.

3 CHAIR WEYMOUTH: Mr. Phillips?

4 MR. PHILLIPS: I have to say I was a little
5 surprised by Mr. King's initial approach but I came along to
6 his, I came around to his line of thinking, he made some very
7 poignant points that I hadn't thought of. And anyway I'd
8 like to move that we find the violations exist as alleged as
9 to Florida Building Code 2010 116.1.1, that the building's
10 been substantially damaged by the lack of maintenance,
11 exposure to the elements and is a windstorm hazard,
12 particularly in the oncoming hurricane season.

13 I'd also like to find under Florida Building Code
14 2010 116.2.1.2.1 that the building components are failing,
15 hanging loose or loosening, namely the steel roof joists and
16 constitutes a violation. And also under Florida Building
17 Code 2010 116.2.1.2.2 there's a violation exists, the roof
18 joists and exterior soffit overhangs are rusting and
19 deteriorating. And that the violations as I stated do exist
20 and we grant the respondent thirty-two days to bring the
21 property into compliance.

22 CHAIR WEYMOUTH: Thirty-five, I believe.

23 MR. PHILLIPS: Thirty-five days, rather than sixty-
24 two. All due respect to Mr. Smilen but --

25 MR. LARSON: You can't do it in, can't do it in

1 that time frame.

2 MR. PHILLIPS: I think at the very least there
3 better be that third bid that comes in and show that there's
4 some seriousness and earnest in this. And anyway that's the
5 motion I make.

6 CHAIR WEYMOUTH: We have the motion, do we have a
7 second?

8 MR. HOLLAND: I'll second.

9 CHAIR WEYMOUTH: Any further conversation on it?
10 Hearing none let's put it to a vote. All in favor say aye.

11 MR. CROGNALE; MS. HALE; MR. HOLLAND; MR. JARRETT;
12 MR. PHILLIPS; MR. WALKER; CHAIR WEYMOUTH: Aye.

13 CHAIR WEYMOUTH: Any opposed?

14 MR. LARSON: I do. He can't get it done in thirty-
15 five days and I want to be realistic to him. I don't like
16 it, but you have to be realistic gentlemen.

17 CHAIR WEYMOUTH: Right.

18 MR. LARSON: As a former builder, he's not going to
19 make it in that time frame. There is no way he can do it.

20 MS. HALE: Well then, he can come back.

21 MR. HOLLAND: That's his doing.

22 CHAIR WEYMOUTH: It --

23 MR. LARSON: Pardon?

24 MR. HOLLAND: That's his doing. That's a negative
25 vote --

1 CHAIR WEYMOUTH: The 'nay' is recognized. And
2 let's call the vote since there's both on both sides please.

3 MS. OPPERLEE: Mr. Crognale?

4 MR. CROGNALE: Aye.

5 MS. OPPERLEE: Ms. Hale?

6 MS. HALE: Yes.

7 MS. OPPERLEE: Mr. Holland?

8 MR. HOLLAND: Yes.

9 MS. OPPERLEE: Mr. Jarrett?

10 MR. JARRETT: Yes.

11 MS. OPPERLEE: Mr. Larson?

12 MR. LARSON: No.

13 MS. OPPERLEE: Mr. Phillips?

14 MR. PHILLIPS: Yes.

15 MS. OPPERLEE: Mr. Walker?

16 MR. WALKER: Yes.

17 MS. OPPERLEE: Chair Weymouth?

18 CHAIR WEYMOUTH: Yes. Motion passes. You have
19 thirty-five days sir. Thank you. If we can hear the second
20 case please. Ready for the second case.

21

22 **2. Case: CE13020647**

INDEX

23 **CASTANO, CESAR ERNESTO BALBIN**
24 **1724 NE 18 ST**

25 MS. PATTERSON: Case number two is on page two.

CE13020647, Inspector Jerry Smilen. Address 1724 Northeast

1 18 Street. Owner is Cesar Ernesto Balbin Castano. Posted on
2 the property 4/30/13, advertised in the Daily Business Review
3 4/26/13 and 5/3/13. Certified mail to the owner, no
4 response; certified mail Relief Housing Inc. signed by P.
5 Ruzic on 4/25/13; certified mail to Ignacio Plata, registered
6 agent for Relief Housing signed by P. Ruzic on 4/25/13;
7 certified mail to Cristobal D. Padron and Associates PA,
8 signature is illegible on 4/25/13.

9 This case was first heard that the 4/18/13 hearing.
10 The Board ordered a twenty-eight day extension to the 5/16/13
11 hearing.

12 CHAIR WEYMOUTH: Inspector Smilen.

13 INSPECTOR SMILEN: Gerry Smilen, Building
14 Inspector, City of Fort Lauderdale reporting on Case
15 CE13020647 at 1724 Northeast 18 Street. I think we need to
16 go back to our last hearing last month. We were debating on
17 whether the structures in the backyard needed to be
18 demolished and then we discovered that just before noon time
19 of that day that a permit was applied for.

20 Okay, so the following morning I went over there to
21 get the permit package to review it to make sure that all of
22 the violations on the property were covered and then I would
23 let it proceed through the plan review process.

24 When I got the, picked up the permit package there
25 were two copies of sets of drawings on an eight-and-a-half by

1 eleven that appeared to be drawn with a ruler and a pencil.
2 And they were not to scale and there was no engineer or
3 design professional's sign or seal of any kind to show that
4 they were even licensed in the State of Florida.

5 So technically the plans really were nothing. So,
6 and they also didn't address the trellis beams that were
7 attached to the storage shed. So, what I did was I rejected
8 it and within an hour, I personally walked it through Zoning
9 and Structural, which all failed it for very similar reasons.
10 Zoning required a survey to show where the structures were
11 located on the property so they weren't in the setbacks. And
12 of course the fact that the plans lacked any type of
13 professional or licensed or certification for the structural
14 aspects of the structures.

15 So, I called up Mr. Balbin and I told him, the
16 owner, I explained to him that he would need to pick them up.
17 We kind of went back and forth on it because I also told him
18 that the trellis beams weren't addressed. So he, that
19 afternoon I believe it was, he brought in the drawings for
20 the trellis beams. I looked at them, it was basically the
21 same type of drawings. It was done by somebody, maybe by
22 him, with a pencil and a ruler on a piece of eight-and-a-
23 half, eleven paper. So that was rejected as well.

24 I went back and forth with him on e-mails and I
25 kept insisting please come pick up the plans. He says, but

1 you haven't looked at the trellis beams. I said, doesn't
2 matter, they don't comply, they need to be corrected. So we
3 went through this whole thing and to this point, they haven't
4 been picked up.

5 CHAIR WEYMOUTH: Have or have not?

6 INSPECTOR SMILEN: Have not. So they're sitting
7 there and at this point, June 1 is right around the corner,
8 my feeling is, and the City's feeling is we will not support
9 an extension of time on this.

10 CHAIR WEYMOUTH: By virtue of knowing everybody in
11 the gallery and I don't see anybody I don't know I'm assuming
12 there's nobody here on behalf of the respondent. Does
13 anybody have any questions of Inspector Smilen? Would
14 somebody like to make a motion?

15 MR. JARRETT: I have a question first.

16 CHAIR WEYMOUTH: Okay.

17 MR. JARRETT: Did we find the violations existed
18 when he gave the extension?

19 MS. WALD: Do you have your minutes?

20 MR. JARRETT: Not with me.

21 MS. WALD: This was a new case last time. I
22 believe your minutes -- Ginger Wald, Assistant City Attorney,
23 this was a new case last time, it should be in your minutes
24 exactly what you did.

25 CHAIR WEYMOUTH: I'm pretty sure we identified that

1 the violations exist.

2 MR. HOLLAND: It actually doesn't matter because we
3 repeat in our language.

4 MR. JARRETT: Well, if we're calling for a demo
5 though.

6 MR. HOLLAND: That too.

7 CHAIR WEYMOUTH: Right.

8 MR. JARRETT: Oh, okay. I'll make a motion
9 [inaudible]

10 MS. WALD: [inaudible]

11 MR. HOLLAND: It's actually a moot point --

12 CHAIR WEYMOUTH: Yes, I think it's a moot point
13 because in the demo clause, which I'm assuming is what Mr.
14 Thornton's going to read to us, it calls that we find that
15 the violations exist, so.

16 MR. JARRETT: We're repeating it anyways.

17 MR. HOLLAND: It's good to reaffirm at every
18 meeting so.

19 MS. HALE: Gerry?

20 CHAIR WEYMOUTH: Before, before, Gerry?

21 INSPECTOR SMILEN: I'd just also like to add that
22 speaking to Mr. Balbin today, his, he was asking me how much
23 time he would have to remove the structures and he also
24 expressed to me in so many words that he was not intending on
25 spending the money for an engineer or a design professional

1 to come up with plans for this.

2 CHAIR WEYMOUTH: Okay.

3 INSPECTOR SMILEN: And we've had discussions about
4 him removing the structures but nothing has happened at this
5 point. And also, I would like to add that for us to get our
6 -- anyway I would also like to add that this could be very
7 swift because there isn't a permit required or anything else
8 to remove these.

9 CHAIR WEYMOUTH: Very good, thank you. Ms. Wald?

10 MS. WALD: Took me a while. Page twenty-one of the
11 minutes that you just approved, it's Mr. Barranco. And the
12 motion was find that the violations exist as alleged for the
13 violations that Gerry's presented. They exist as alleged and
14 we grant a respondent sixty-three days to the 6/20/2013
15 hearing to bring the property into compliance. And then it
16 was seconded, you had a lot of conversation thereafter.
17 There was a friendly amendment to do something and then it
18 was approved.

19 Now, then what happened was it was a friendly
20 amendment to do twenty-eight days.

21 MR. WEYMOUTH: Correct.

22 MS. WALD: So that was then seconded by Mr. Holland
23 and then it was voted on and now we're on page twenty-four
24 and then it was approved.

25 CHAIR WEYMOUTH: Very good, Mr. Thornton, would you

1 like to make a motion?

2 MR. JARRETT: Yes. I move that we find the
3 violations exist as alleged and that we order the property
4 owner to demolish the structure within thirty days and that
5 we order the City to demolish the structure should the
6 property owners fail too timely demolish the structure. Such
7 demolition is to be accomplished by a licensed demolition
8 contractor pursuant to a City issued demolition permit.

9 CHAIR WEYMOUTH: We have a motion, do we have a
10 second?

11 MR. PHILLIPS: Second.

12 MS. HALE: I'll second.

13 CHAIR WEYMOUTH: We have a second. Any further
14 discussion before we vote on it? All in favor say aye.

15 BOARD MEMBERS: Aye.

16 CHAIR WEYMOUTH: Any opposed? Motion carries.
17 Thank you.

18 INDEX

19 **COMMUNICATION TO THE CITY COMMISSION**

20 CHAIR WEYMOUTH: Alright, any words to the
21 Commission?

22

23 **Other Items and Announcements**

24 MR. WEYMOUTH: Mr. Hruschka.

25 MR. HRUSCHKA: Yes.

1 MR. PHILLIPS: Is that the Citizen of the Year?

2 MR. HOLLAND: Congratulations Jorg.

3 MR. HRUSCHKA: Thank you.

4 CHAIR WEYMOUTH: Citizen of the Year. Turn around
5 and wave at the camera.

6 [applause]

7 MR. HRUSCHKA: Thank you, thank you.

8 MR. HOLLAND: Speech! Short speech.

9 MR. HRUSCHKA: Actually, it's really interesting to
10 stand here the first time as the Chief Service Officer
11 instead of a Building Inspector assigned to the Code
12 Enforcement Division. But what I've learned over the last
13 few weeks is that you guys embody the spirit of volunteerism
14 of our City and sometimes we don't say thank you enough for
15 the service we do.

16 You go forward with this Board taking time out of
17 your busy schedule to make a difference in our City and you
18 have exercised that duty with diligence and wisdom and I
19 really have to say appreciate that especially that you have
20 contentious meetings like you had today and really from my
21 heart and on behalf of the City and myself I just wanted to
22 say thank you for serving our City on the Board and that was
23 it.

24 MR. CROGNAL: Can we give the Board a round of
25 applause?

1 [applause]

2 CHAIR WEYMOUTH: And as a person who is active I
3 reciprocate the appreciation because in a lot of the things
4 that I do I see you out there on your own time. So thank you
5 and congratulations on your Citizen of the Year.

6 MR. HRUSCHKA: Thank you sir, appreciate it.

7 MR. PHILLIPS: Mr. [inaudible] deserves a round of
8 applause. Don, weren't you on the Beach Advisory Board way
9 back when?

10 MR. LARSON: Yes, yes, when it started.

11 MR. PHILLIPS: The Code Enforcement Board and --

12 MR. LARSON: And the Board of Adjustment.

13 MR. HRUSCHKA: How far do you go back? Are you
14 part of the 200 Club?

15 MR. LARSON: I don't know whether I'm part of the
16 200 Club or not.

17 MR. PHILLIPS: What's the 200 Club?

18 MR. HRUSCHKA: The 200 Club, there's five
19 individuals have served together, for 200 years together in
20 this City.

21 CHAIR WEYMOUTH: Wow, wow.

22 MR. HRUSCHKA: And they're still active. That's
23 the 200 Club. It's just amazing to see, like Birch Willey, I
24 think it's like forty-something years of service to our City,
25 different boards. Jack, you have a long term to go; I still

1 have a long time to go.

2 CHAIR WEYMOUTH: Congratulations Jorg, well-
3 deserved.

4 MR. LARSON: I've been on a long time I don't know
5 how many years.

6
7 CHAIR WEYMOUTH: Any communications for our
8 fearless leaders upstairs? Hearing none, can we get somebody
9 to make a motion to adjourn this meeting?

10 MS. HALE: I move we adjourn.

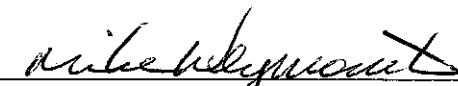
11 INDEX

12 **FOR THE GOOD OF THE CITY**

13 No discussion.

14
15
16
17 [Meeting concluded at 3:40 pm.]

18
19
20
21 
BOARD CLERK

22 
23 MICHAEL WEYMOUTH, CHAIR


24
25 [Minutes prepared by: J. Oppерlee, Prototype, Inc.]

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held May 16, 2013, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.

Dated at Ft. Lauderdale, Broward County, Florida, this 20 day of JUNE, 2013.

PROTOTYPE, INC.


JAMIE OPPERLEE
Recording Clerk

SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this 20th day of JUNE, 2013.



D.J. GROSSFELD
MY COMMISSION # EE 065058
EXPIRES: April 26, 2015
Bonded Thru Budget Notary Services


NOTARY PUBLIC
State of Florida